



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
SITE REMEDIATION PROGRAM  
OFFICE OF BROWNFIELD REUSE  
MAIL CODE 401-06A  
P.O. BOX 420  
TRENTON, NEW JERSEY 08625-0420  
[HTTP://WWW.STATE.NJ.US/DEP/SRP](http://www.state.nj.us/dep/srp)

CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

BOB MARTIN  
Commissioner

May 4, 2012

Dawn Horst  
Manager, Environmental Programs  
Ingersoll Rand  
One Centennial Drive  
Piscataway, NJ 08854

Re: **Conditional No Further Action Letter with Requirements for Biennial Certifications**

Remedial Action Type: Restricted Use for Foundry Area  
Ingersoll Rand Facility  
942 Memorial Pwy  
Phillipsburg, Warren County  
Program Interest #: 012833  
Block: 3201 and Lots: Parts of 7.03, 7.05, 7.08, 7.09, 7.033

Dear Ms Horst:

Pursuant to N.J.S.A. 58:10B-13.1 and N.J.A.C. 7:26C, the New Jersey Department of Environmental Protection (Department) issues this Conditional No Further Action Letter for the remediation of the Foundry Area specifically referenced above, so long as Ingersoll Rand did not withhold any information from the Department. This action is based upon information in the Department's case file and Ingersoll Rand's final certified report dated September 2009. In issuing this Conditional No Further Action Letter, the Department has relied upon the certified representations and information provided to the Department. To remain in compliance with the terms of this Conditional No Further Action Letter, Ingersoll Rand as well as each subsequent owner, lessee and operator must comply with the conditions noted below.

By issuance of this Conditional No Further Action Letter, the Department acknowledges the completion of a Remedial Action pursuant to the Technical Requirements for Site Remediation (N.J.A.C. 7:26E) for the Foundry Area and no other areas.

By operation of law a Covenant Not to Sue pursuant to N.J.S.A. 58:10B-13.1 applies to this remediation. The Covenant Not to Sue is subject to any conditions and limitations contained herein. The Covenant Not to Sue remains effective only as long as the real property referenced above continues to meet the conditions of this Conditional No Further Action Letter and applicable permits.

## **CONDITIONS**

Pursuant to N.J.S.A. 58:10B-12o, Ingersoll Rand and any other person who was liable for the cleanup and removal costs, and remains liable pursuant to the Spill Act, shall inform the Department in writing within 14 calendar days whenever its name or address changes. Any notices submitted pursuant to this paragraph shall reference the above case numbers and shall be sent to: Bureau of Case Assignment and Initial Notice -Case Assignment Section, P.O. Box 434, Trenton, N.J. 08625-0434.

Pursuant to N.J.A.C. 7:26C-7.3 you have obtained all applicable permit(s) and authorization(s) to ensure this remedial action remains protective of public health, safety and the environment into the future provided that you remain in full compliance with the terms and conditions of those permit(s) and authorization(s). The designated remediation permit number is RAP120001 effective May 4, 2012.

### **Well Decommissioning**

Pursuant to N.J.S.A. 58:4A, Flowserve Corp shall properly decommission all monitoring wells installed as part of a remediation that will no longer be used for ground water monitoring. A New Jersey licensed well driller shall decommission the wells in accordance with the requirements of N.J.A.C. 7:9D-3.1 (et seq.). After the well has been decommissioned by a New Jersey licensed well driller, the well driller is required to submit a copy of the decommissioning report on your behalf to the Bureau of Water Systems and Well Permitting. Please note that only a New Jersey licensed well driller may perform this work. More information about regulations regarding the maintenance and decommissioning of wells in New Jersey can be found at "<http://www.nj.gov/dep/watersupply/>". For a list of New Jersey licensed well drillers, click on the "reports" button in the left column and select "access the well permit reports." Questions can be emailed to "wellpermitting@dep.state.nj.us".

### **Administrative Consent Order or Remediation Agreement Cases**

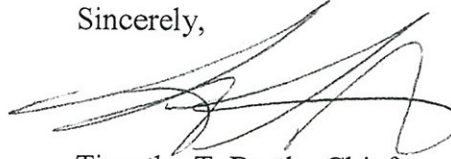
Pursuant to N.J.A.C. 7:26C-7.2(c) any person required to establish a remediation funding source shall establish and maintain a remediation funding source in an amount equal to or greater than the estimated cost of monitoring and maintaining all necessary engineering and institutional controls pursuant to the Technical Requirements for Site Remediation, at N.J.A.C. 7:26E-8. Ingersoll Rand and Successors shall maintain this remediation funding source until such time that the Department approves in writing the removal of the control. A remediation funding source in the amount of \$262,632.00 has been established at this time. An evaluation of the cost of monitoring and maintaining all necessary engineering and institutional controls shall be submitted with the Monitoring of Compliance Report due every two years".

### **Direct Billing Insert**

Please be advised that in accordance with the "Administrative Requirements for the Remediation of Contaminated Sites" (N.J.A.C. 7:26C), Ingersoll Rand is required to reimburse the Department for oversight of the remediation. The Department will be issuing a bill within the next four months.

Thank you for your attention to these matters. If you have any questions, please contact William Lindner at 609-633-1223 or [william.lindner@dep.state.nj.us](mailto:william.lindner@dep.state.nj.us).

Sincerely,



Timothy T. Bartle, Chief  
Office of Brownfield Reuse

c: Robert Soboleski, Chief, BOMM  
NJDEP BEI – Linda Grayson  
Nick Sodano, Manager, GIS

Mayor Harry L. Wyatt  
Phillipsburg Municipal Building  
675 Corliss Avenue,  
Phillipsburg, NJ, 08865

Phillipsburg Planning Board  
675 Corliss Avenue  
Phillipsburg NJ 08865

Stanley Shrek P.E., R.A., P.P., CME  
Mailing address:  
P.O. Box 5054  
Phillipsburg, NJ 08865

Warren County Health Department  
700 Oxford Road  
Oxford, NJ 07863

Patricia J. Kolb  
Warren County Clerk  
413 Second Street  
Belvidere, NJ 07823

Warren County Planning Board  
Wayne Dumont, Jr. Administration Building  
165 County Route 519 South  
Belvidere, NJ 07823

Michael Lambert  
Geosyntec Consultants  
7 Graphics Drive, Suite 110  
Ewing, NJ 08628

MAY 10 REC'D



## State of New Jersey

CHRIS CHRISTIE  
*Governor*

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BOB MARTIN  
*Commissioner*

KIM GUADAGNO  
*Lt. Governor*

Site Remediation Program  
*Bureau of Operations Maintenance and Monitoring*  
401 E. State Street  
P.O. Box 420  
Mail Code 401-06F  
Trenton, NJ 08625-0420  
Phone: (609) 984 – 2990  
Fax: (609) 777- 0899

May 4, 2012

Legal Department  
Phillipsburg Associates  
One Radnor Corporate Center  
100 Matsonford Road  
Suite 100  
Radnor, PA 19087  
Phone #: (610) 834-1969  
Email Address: ktraynor@preferred.com

Ms. Dawn Horst  
Environmental Manager  
Ingersoll Rand  
One Centennial Avenue  
Piscataway, NJ 08854  
Phone #: (732) 652-6723  
Email Address: dawn\_horst@irco.com

RE: Remedial Action Soil Permit  
Site Name: FLOWSERVE CORP  
A/K/A: Phillips Commerce Park/Former Ingersoll Rand.  
Address: 942 Memorial Pwy.  
City: Phillipsburg Town  
County: Warren  
SRP Program Interest #: 012833  
Remedial Action Soil Permit #: RAP120001

Dear Co-Permittee:

Enclosed is a Soil Remedial Action Permit issued pursuant to the Site Remediation Reform Act, 58:10C-1 et seq. and the Administrative Requirements for the Remediation of Contaminated Sites at N.J.A.C. 7:26C-7.1 through 7.10. This permit becomes effective on 05/11/2012. Please note the referenced permit number and refer to it when corresponding with the Department.

The enclosed permit requires the permittee to conduct monitoring, maintenance and evaluation for compliance and effectiveness of the remedial action and its associated institutional and engineering control(s). The permit establishes all requirements necessary for demonstrating that the remedial action and control(s) continue to be protective of public health, safety and the environment.

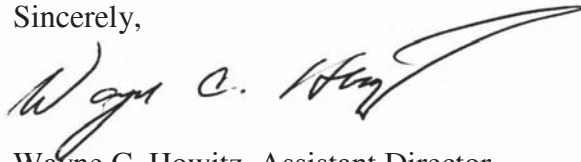
Please be aware that there are annual fees associated with this permit in accordance with N.J.A.C. 7:26C-4.4. These annual permit fees will be handled by invoicing the fee billing contact we have on record:

Ingersoll Rand  
Dawn Horst  
One Centennial Avenue  
Piscataway, NJ 08854

Any changes to this contact should be brought to the Department's attention. Changes to fee billing contacts are updates and are not considered modifications to the permit.

The Department looks forward to future continued cooperation in working together to provide a healthy environment for the citizens of New Jersey and to protect its resources. Going forward, questions or comments regarding this permit should be addressed to the Bureau of Operations, Monitoring and Maintenance at 609-984-2990, attention Robert Soboleski, Chief.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne C. Howitz", with a stylized flourish at the end.

Wayne C. Howitz, Assistant Director  
Remedial Management and Operations Element

Enclosure

cc: Robert Soboleski, Chief, BOMM  
Nick Sodano, Manager, GIS

Mayor Harry L. Wyatt  
Phillipsburg Municipal Building  
675 Corliss Avenue,  
Phillipsburg, NJ, 08865

Phillipsburg Planning Board  
675 Corliss Avenue  
Phillipsburg NJ 08865

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Mailing address:  
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700 Oxford Road  
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Warren County Clerk  
413 Second Street  
Belvidere, NJ 07823

Warren County Planning Board  
Wayne Dumont, Jr. Administration Building  
165 County Route 519 South  
Belvidere, NJ 07823

Consultant  
Michael Lambert  
Geosyntec Consultants  
7 Graphics Drive, Suite 110  
Ewing, NJ 08628

## SOIL REMEDIAL ACTION PERMIT

The New Jersey Department of Environmental Protection hereby grants you a Remedial Action Permit pursuant to N.J.S.A. 58:10C-1 et seq. and N.J.A.C. 7:26C-1 et seq. for the facility/activity named in this document. This permit is the regulatory mechanism used by the Department to help ensure your remedial action will be protective of human health and the environment.

This permit establishes the monitoring, maintenance, and evaluation requirements for determining the effectiveness of the deed notice's engineering control.

<b><u>Site Name:</u></b>	<b><u>Program Interest ID #:</u></b>
<b>FLOWERVE CORP</b>	<b>012833</b>
<b>A/K/A: Phillipsburg Commerce Park/Ingersoll Rand</b>	

<b><u>Facility Address:</u></b> 942 Memorial Pwy. 125 Bronico Way Phillipsburg Town, NJ 08865 Warren County Block: 2312 Lot: 1, 16.01, 2, 3 Block: 3201 Lot: 7, 8 Block: 3301 Lot: 1, 2, 4	<b><u>RA PERMIT #:</u></b>  RAP120001
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<b><u>Permit Type:</u> Deed Notice w/Engineering Control</b>
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<b><u>Person Responsible for Conducting the Remediation - Co-Permittee:</u></b>  Ms. Dawn Horst Environmental Manager Ingersoll Rand One Centennial Avenue Piscataway, NJ 08854 Phone #: (732) 652-6723 Email Address: dawn_horst@irco.com
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<b><u>Property Owner/ Co-Permittee:</u></b>  Legal Department Phillipsburg Associates One Radnor Corporate Center 100 Matsonford Road Suite 100 Radnor, PA 19087
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**Issuance Date:**

05/03/2012

**Effective Date:**

05/11/2012

**I. Authority**

**The Department is issuing this permit in accordance with N.J.S.A. 58:10C-1 et seq. and N.J.A.C. 7:26C-1et seq.**

**II. Permit Requirements**

**A . MONITORING REQUIREMENTS**

1. The permittee shall conduct monitoring and maintenance pursuant to Exhibit C of the attached Deed Notice. [N.J.A.C. 7:26C-7.5(a)2]
2. The permittee shall conduct periodic inspections of each engineering control to determine its integrity, operability and effectiveness. [N.J.A.C. 7:26C-7.5(a)2]
3. The permittee shall conduct periodic inspections of any excavations or disturbances that have resulted in unacceptable exposure to the soil contamination. The permittee shall maintain a detailed maintenance and evaluation log. [N.J.A.C. 7:26C-7.5(a)2]

**B . REMEDIAL ACTION PROTECTIVENESS BIENNIAL CERTIFICATION**

**1. Reporting Requirements**

- a. The permittee shall prepare and submit to the Department a remedial action protectiveness certification every two years following the anniversary of the date of the effective date of this permit. The certification shall be submitted on the required form provided by the Department. Submit a remedial action protectiveness biennial certification biennially from the effective date of this permit. [N.J.A.C. 7:26C-7.4(b)1]

**2. Evaluation Requirements**

- a. The permittee shall hire a licensed site remediation professional to prepare and certify that the remedial action continues to be protective of the public health and safety and the environment. [N.J.A.C. 7:26C-1]
- b. The permittee shall conduct the remediation in accordance with all applicable statutes, rules, and guidance. [N.J.A.C. 7:26C-1.2(a)]
- c. The permittee shall provide the results of the periodic inspections required under the monitoring requirements of this permit. [N.J.A.C. 7:26C-1.2]
- d. The remedial action protectiveness biennial certification shall include an evaluation of any actual or pending zoning or land use changes to determine if these changes are consistent with the use restrictions contained in the attached deed notice/declaration of environmental restriction. If the evaluation finds that the engineering/institutional controls are no longer protective of the public health and safety and the environment, the permittee shall imple-



ment appropriate remedial action to ensure that the engineering/institutional controls are protective of the public health and safety and the environment. [N.J.A.C. 7:26C-1.2]

e. The remedial action protectiveness biennial certification shall include a comparison of the laws, Remediation Standards, and other regulations applicable at the time the engineering or institutional control was established with any relevant subsequently promulgated or modified laws or regulations to determine whether the engineering or institutional control remains protective. The results shall be provided in table format, comparing of applicable laws, regulation and standards. [N.J.A.C. 7:26C-1.2]

## C . FINANCIAL ASSURANCE REQUIREMENTS

### 1. Reporting Requirements - Letter of Credit

a. The permittee shall have the issuer of the Letter of Credit notify the Department, and the person providing the Letter of Credit by certified mail that, if the issuer of the Letter of Credit decides not to extend the letter of credit beyond the expiration date. Submit a written notification of lapse of Letter of Credit prior to 120 days before the letter of credit expiration date. [N.J.A.C. 7:26C-5.7(a)4]

b. The permittee shall prepare an estimate of the future costs to operate, maintain, and inspect all engineering controls subject to this permit, and submit it to the Department. Submit engineering controls maintenance cost estimate with the protectiveness biennial certification biennially from the effective date of this permit. [N.J.A.C. 7:26C-7.7(a)1]

### 2. Financial Assurance - Maintenance

c. The permittee shall maintain financial assurance in accordance with the remediation funding source in an amount equal to or greater than the most recent estimated full cost to operate, maintain, and inspect all engineering controls that are part of any remedial action over the life of the permit. [N.J.A.C. 7:26C-7.7(a)2]

## D . FEES

1. For each year hereafter on the anniversary of the effective date of this permit, the Department shall invoice the permittees the amount of the annual remedial action permit fee. [N.J.A.C. 7:26C-4.4]

## E . PERMIT TRANSFERS

1. The permittee shall, at least 60 days prior to the sale or transfer of the property, or transfer of the operation of the property, or termination of a lease, submit a Remedial Action Permit Transfer/Change of Ownership Application and pay the permit transfer fee to the Department. [N.J.A.C. 7:26C-7.8]

## F . PERMIT MODIFICATIONS

### 1. Soil Permit Modifications

a. The permittee shall apply to have the Department modify a remedial action permit within 30 days after a statement that the permittee has completed a protectiveness evaluation required in its permit and has determined that the remedial action is not adequately protective

of the public health and safety and of the environment, and stating the reasons for coming to this conclusion. [N.J.A.C. 7:26C-7.9(b)1]

b. The permittee shall apply to have the Department modify a remedial action permit within 30 days after any person proposes to change the engineering controls applicable to the site, as described in the deed notice filed for the property. [N.J.A.C. 7:26C-7.9(b)3]

c. The permittee shall apply to have the Department modify a remedial action permit within 30 days after the municipality has revised the lot and block designations of the property. [N.J.A.C. 7:26C-7.9(b)4]

d. The permittee shall apply to have the Department modify a remedial action permit within 30 days after the permittee changes its name or address. [N.J.A.C. 7:26C-7.9(b)5]

#### G . PERMIT TERMINATIONS

1. A request for a permit termination can be filed by submitting a Remedial Action Permit Application to terminate the permit to the Department when the remedial action meets all applicable remediation standards without the need for the remedial action permit and the remedial action is protective of the public health and safety and of the environment without the presence of the remedial action permit. [N.J.A.C. 7:26C-7.10(a)]

#### H . FORM SUBMITTAL

1. Any forms, applications or documents required by this chapter that can be submitted in an electronic format shall be submitted electronically 90 days after the date that the Department informs the public in the New Jersey Register that the relevant electronic application is functional. [N.J.A.C. 7:26C-1.6(c)]
2. All submissions required pursuant to this permit shall be made on forms approved and available from the Department. These forms and instructions for completing these forms can be found at <http://www.nj.gov/dep/srp/srra/forms>. [N.J.A.C. 7:26C-1.6(b)]

#### I . RESTRICTED LAND USES

1. Contaminated sites remediated to non-residential soil remediation standards that require the maintenance of engineering and/or institutional controls cannot be converted to a child care facility, public, private or charter school without the Department's prior approval, unless a presumptive remedy is implemented pursuant to the Department's Presumptive Remedy Guidance ([http://www.nj.gov/dep/srp/guidance/srra/presumptive\\_remedy\\_guidance.pdf](http://www.nj.gov/dep/srp/guidance/srra/presumptive_remedy_guidance.pdf)). [N.J.A.C. 7:26C-1.2]

### III. Permit Schedule

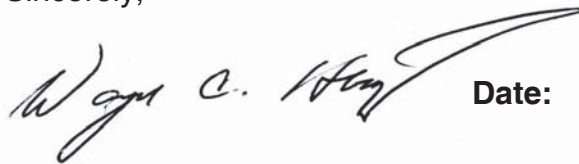
Permit Effective Date: 05/11/2012	
Submission Requirement	Due Date
Submit a remedial action protectiveness biennial certification	05/11/2014
Submit a remedial action protectiveness biennial certification	05/11/2016
Submit a remedial action protectiveness biennial certification	05/11/2018
Submit a remedial action protectiveness biennial certification	05/11/2020

Submit a remedial action protectiveness biennial certification	05/11/2022
Submit a remedial action protectiveness biennial certification	05/11/2024
Submit a remedial action protectiveness biennial certification	05/11/2026
Submit a remedial action protectiveness biennial certification	05/11/2028
Submit a remedial action protectiveness biennial certification	05/11/2030
Submit a remedial action protectiveness biennial certification	05/11/2032
Submit a remedial action protectiveness biennial certification	05/11/2034
Submit a remedial action protectiveness biennial certification	05/11/2036
Submit a remedial action protectiveness biennial certification	05/11/2038
Submit a remedial action protectiveness biennial certification	05/11/2040
Submit a remedial action protectiveness biennial certification	05/11/2042

Biennial certifications are required to be performed and submitted according to the schedule(s) in the Permit Requirements, and shall continue to be submitted until the Permit is terminated or modified.

Your Soil Remediation Action Permit under Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-1 et seq. has been approved by the New Jersey Department of Environmental Protection.

Sincerely,



**Date:** May 4, 2012

Wayne C. Howitz, Assistant Director  
Remedial Management and Operations Element

#### IV. Attachments:

##### A. Deed Notice

Deed Notice ID: DER987317  
Filed Deed Notice in the Warren County Clerks Office  
Book Number the Deed Notice is filed in: 2420  
Page Numbers: 180  
Date Filed: 04/12/2012

Deed Notice ID: DER987317  
Filed Deed Notice in the Warren County Clerks Office  
Book Number the Deed Notice is filed in: 2420  
Page Numbers: 249  
Date Filed: 04/12/2012

Deed Notice ID: DER987317  
Filed Deed Notice in the Warren County Clerks Office  
Book Number the Deed Notice is filed in: 2421  
Page Numbers: 37  
Date Filed: 04/12/2012

Deed Notice ID: DER987317  
Filed Deed Notice in the Warren County Clerks Office  
Book Number the Deed Notice is filed in: 2421  
Page Numbers: 1  
Date Filed: 04/12/2012

Deed Notice ID: DER987317  
Filed Deed Notice in the Warren County Clerks Office  
Book Number the Deed Notice is filed in: 2421  
Page Numbers: 87  
Date Filed: 04/12/2012